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3729

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of  
Matthew G. Howell

Application No.: 08/987,005 ✓

Filed: December 8, 1997

For: METHOD FOR  
MANAGING CABLES

Group Director of Art Unit 3729  
Commissioner for Patents  
Washington, DC 20231

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Group Art Unit: 3729

Examiner: S. Smith

Atty. Docket No.: MICE-0059-00-US  
(97.02260.00)

#20  
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PETITION TO WITHDRAW FINAL REJECTION

Dear Sir:

The Assignee hereby requests withdrawal of the first action Final Rejection (a copy of which is enclosed) dated December 18, 2000, for the above-referenced application. A Continued Prosecution Application was filed October 12, 2000, concurrently with a Preliminary Amendment that added new claims 22-24. These newly added claims were not considered by the Examiner in the earlier application. Therefore, all of the claims of the Continued Prosecution Application are not drawn to the same invention claimed in the earlier application, thereby rendering the first action Final Rejection improper. See M.P.E.P. §§706.07(b) and 706.07(c).

Thus, the Assignee respectfully requests withdrawal of the Final Rejection.

No fee is believed due with this petition. However, if a fee is due, please charge the fee to Deposit Account No. 20-1504 (MICE-0059-00).

Date

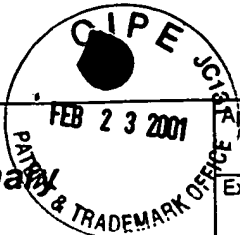
2/20/01

Respectfully submitted,

Fred G. Pruner, Jr., Reg. No. 40,779  
Trop, Pruner & Hu, P.C.  
8554 Katy Freeway, Ste. 100  
Houston, TX 77024  
713/468-8880 713/468-8883 [fax]

Date of Deposit: 2/20/01  
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Washington, DC 20231.  
Corey McGowan

# Office Action Summary



Application No.  
08/987,005

Applicant(s)

Howell

Examiner

Sean Smith

Group Art Unit  
3729



☒ Responsive to communication(s) filed on Oct 12, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

**DOCKETED** ☐ **UPDATED** ☐

☒ Claim(s) 5-7, 14, 16, 20, and 22-24

Previously Y Not Required is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_

Appl. Info

Reg./Grant Info

Action Required

TRANSFERRED

☐ Claim(s) \_\_\_\_\_

Date Due 7.30.99

☒ Claim(s) 5-7, 14, 16, 20, and 22-24

By: JM

Checked

☐ Claim(s) \_\_\_\_\_

TROP PRIMER IN 5 MIXES

☐ Claims \_\_\_\_\_

are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

REC'D HOWREY SIMON ARNOLD & WHITE

DEC 26 2000

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 17

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

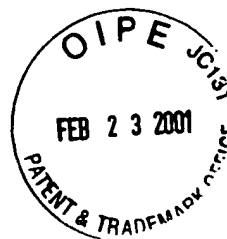
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— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Application/Control Number: 08987005

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### DETAILED ACTION

1. The request filed on 10/18/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/987005 is acceptable and a CPA has been established. An action on the CPA follows.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5,7-14,16,20 and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hukin.

Regarding claims 5-7, 18 Hukins discloses a method of using a cable comprising; mounting a tray (15), the lower portion of the tray comprising a groove underneath the lower portion of the notch; (See attach drawing); arranging the length of the cable in the tray including laying the length of cable along the groove (see attach drawing); determine the upper portion of the tray is to be used to pass the length of cable, if so routing the length of the cable through the upper portion notch Fig 3, and closing the cover (9)

Regarding claim 14, Hukins discloses a second cable routed through the second notch section Fig 3.

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Art Unit: 3729

Regarding claims 16 and 20, Hukins discloses a shelf (24) adjacent to the upper notches and routing the cable through the shelf Fig 3.

Regarding claim 22, Hukins discloses a tray having a groove (see attach drawing) wherein the groove has a first and second longitudinal edges (see attached drawing).

Regarding claim 23, Hukins discloses the first and second longitudinal edges are substantially orthogonal with respect to each other (see attached drawing).


Regarding claim 24, Hukins discloses a cover (25) to house the tray .

*Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner S. Smith whose telephone number is (703) 305-0831.

SS

December 14, 2000

  
12/15/00  
LEE YOUNG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700